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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,628	02/11/2005	Takuya Yamanaka	121036-0076	1450

7590 11/17/2005

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EXAMINER

CHOI, LING SIU

ART UNIT	PAPER NUMBER
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1713

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/524,628	YAMANAKA, TAKUYA	
	Examiner	Art Unit	
	Ling-Siu Choi	1713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is a 371 of PCT/JP03/16328, filed December 19, 2003, and claims the foreign priority of Japan 2003-9221, filed January 17, 2003.
2. This Office Action is in response to the Preliminary Amendment filed July 25, 2005. Claims 8-9 have been added and claims 1-9 are now pending.

Claim Rejections - 35 USC § 112

3. **The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 2-3, the recitation "at least 30%" causes indefiniteness because there is no base to cite the percentage.

Claim Rejections - 35 USC § 102

5. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102**

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that form the basis for the rejections under this section made in this Office

action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiwara et al. (US 4,978,409).

A hydrogenated nitrile rubber composition comprising	
100 parts by weight of hydrogenated nitrile rubber	a bound acrylonitrile content of at least 30%
	a Mooney viscosity [ML1+4(100°C)] of 80 or less (median value)
	an iodine number of 28 or less (median value)
65-200 parts by weight of carbon fibers	

(summary of claim 1)

Fujiwara et al. disclose a hydrogenated nitrile rubber composition comprising (A) treating fibers with an activating agent, (B) dipping the fibers into a resorcinol/formalin/latex solution, (C) treating the fibers with an adhesive composition, and (D) placing the fibers in close contact with a hydrogenated nitrile rubber, and (E) vulcanizing the rubber together with the fibers, wherein the fibers are carbon fibers

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(claims 1 and 7). Attention is drawn to Example 1, wherein the composition comprises 10% of hydrogenated nitrile rubber (Zetpol 2020) and further comprises 5% of carbon black. Thus, the present claims are anticipated by the disclosure of Fujiwara et al.

7. Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Seiji et al. (JP 2002-080639).

Seiji et al. disclose a hydrogenated nitrile rubber composition for molding material for a high pressure sealant, comprising about 30-100 parts by weight carbon black, about 10-60 parts by weight of graphite, and about 5-60 parts by weight of carbon fiber (claim 3). Attention is drawn to paragraph [0028], wherein the hydrogenated nitrile rubber has 44.2 % of bound acrylonitrile; iodine number of 24; and Mooney viscosity of 78. Thus, the present claims are anticipated by the disclosure of Seiji et al.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.

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LING-SUI CHOI
PRIMARY EXAMINER

November 5, 2005